

UNITED STATES DISTRICT COURT

for the

District of Maryland

Greenbelt/Southern Division

Jose MARQUEZ
 Juan MARQUEZ
 Lazaro ZELAYA

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

INDIA BAZAAR, INC.
 Jasbir SINGH
 INDIA BAZAAR, INC.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) Yes No**COMPLAINT FOR VIOLATION OF FAIR LABOR STANDARDS****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|---------------------------------|
| Name | Jose MARQUEZ |
| Street Address | 419 West Side Drive #303 |
| City and County | Gaithersburg, Montgomery County |
| State and Zip Code | Maryland 20878 |
| Telephone Number | ----- |
| E-mail Address | ----- |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

| | |
|------------------------------------|---------------------------------|
| Name | INDIA BAZAAR, INC. |
| Job or Title (<i>if known</i>) | NA |
| Street Address | 383 Muddy Branch Road |
| City and County | Gaithersburg, Montgomery County |
| State and Zip Code | Maryland 20878 |
| Telephone Number | 301-963-7070 |
| E-mail Address (<i>if known</i>) | NA |

Defendant No. 2

| | |
|------------------------------------|--|
| Name | Jasbir SINGH |
| Job or Title (<i>if known</i>) | CEO of India Bazaar, Inc. and India Bazaar LLC |
| Street Address | 3 Brighton Drive |
| City and County | Gaithersburg, Montgomery County |
| State and Zip Code | Maryland 20877 |
| Telephone Number | NA |
| E-mail Address (<i>if known</i>) | NA |

Defendant No. 3

| | |
|----------------------------------|-----------------------|
| Name | INDIA BAZAAR, LLC |
| Job or Title (<i>if known</i>) | NA |
| Street Address | 6 BLACK STALLION CT |
| City and County | Germantown Montgomery |
| State and Zip Code | Maryland 20874 |

Defendant No. 4

| | |
|------------------------------------|--|
| Name | |
| Job or Title (<i>if known</i>) | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address (<i>if known</i>) | |

C. Place of Employment

The address at which I am employed or was employed by the defendant(s) is

| | |
|--------------------|--|
| Name | India Bazaar INC & Jasbir Singh & India Bazaar LLC joint/several |
| Street Address | 383 Muddy Branch Road 46960 Cedar Lake Plaza |
| City and County | Gaithersburg, Montgomery Sterling, Loudoun |
| State and Zip Code | Maryland 20878 Virginia 20164 |
| Telephone Number | 301-963-7070 |

II. Basis for Jurisdiction

This action is brought pursuant to (*check all that apply*):



- Fair Labor Standards Act, as codified, 29 U.S.C. §§ 201 to 209.
- Relevant state law
- Relevant city or county law

III. Statement of Claim

State as briefly as possible the facts of your case. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Nature of employer's business:

Retail sales of Indian food and other retail products. All three defendants have residences and/or principal declared places of business in Montgomery County Maryland, though India Bazaar LLC is a Virginia limited liability company. Per information all three constitute a common enterprise with substantially overlapping management, common marketing and common identity in economic reality.

B. Dates of employment:

For Jose Marquez, 2012-Aug. 2018 in Maryland and approx March 2019-Sept 2020 in Sterling, Virginia
 For Juan Marquez, 2013-April 2021 in Maryland
 For Lazaro Zelaya, 2017-present in Maryland

C. Employee's job title and a description of the kind of work done:

Jose Marquez held a supervisory role between roughly June 2020 and September 2020 in Virginia
 Employers did not provide formal titles to the workers otherwise.
 Excluding Mr. Marquez's time-limited supervisory role, all three Plaintiffs engaged in non-exempt retail sales, cleaning, stocking and other hands-on grocery store work.

D. Rate, method, and frequency of wage payment:

Employers India Bazaar Inc., and Jasbir Singh paid all Plaintiffs on generally bi-monthly(15-16 day) pay schedule, without attempting to track or calculate regular or overtime hours at pay rates ranging from \$1100-1800/month to Juan Marquez, \$3400-4000/month to Jose Marquez and approximately \$1900-2500/month to Lazaro Zelaya. Discovery will clarify and refine these figures. Please see worksheet.

E. Number of hours actually worked each week in which a violation is claimed:

Workers generally worked 60-63 hours per week for at least 50 weeks per work year. Time and pay records from the Employers will be necessary to calculate these sums with precision. Please see good faith estimate in the attached worksheets.

F. Description of the alleged violation(s) (*check all that apply*):



Failure to pay the minimum wage (*explain*)

Employers paid less Juan Marquez less than the FLSA minimum wage of \$7.25/hour for all or nearly of his work time. Additionally, Employers violated the Maryland (\$10.10-\$11.75/hour, by year) and Montgomery County minimum wage laws (\$12-15/hour, by year and size of employer). Discovery will be necessary to confirm these figures. Please see worksheets attached.



Failure to pay required overtime (*explain*)

Employers never attempted to calculate or pay overtime for any Plaintiff during their non-exempt work in Maryland or Virginia, violating the FLSA and Maryland Wage and Hour Law (MD Code Ann. LE § 3-401 et seq.) For Jose Marquez, Maryland wage and hour law applied until his Maryland employment ceased in August 2018. Discovery is necessary to confirm many details. Please see attached worksheets.



Other violation(s) (*explain*)

All failures to pay applicable overtime or minimum wage for work in Maryland constituted a violation of the Maryland Wage Payment and Law, MD Code Ann. LE section 3-501 et. seq (Wage Payment and Collection Law.)

G. Date(s) of the alleged violation(s):

For Jose Marquez, 2012 (uncertain month) - August 2018, March 2019-June 2020

For Juan Marquez, 2013 (uncertain month) - April 2021

For Lazaro Zelaya, 2017 (uncertain month) - present, with violations continuing week by week

H. Additional facts:

All plaintiffs suffered substantial hardship to their cash flows, livelihoods and welfare as a result of the violations by the Defendants; they worked more and received less than they likely would have worked had Defendants substantially obeyed applicable minimum wages and overtime laws.

For all of Jose Marquez' and Juan Marquez's overdue wages, and for substantially all of Lazaro Zelaya's overdue wages, more than 14 days have passed since the applicable due dates of those wages.

All Plaintiffs anticipate amending this pleading during and/or after the completion of discovery.

All wage shortfalls were WILLFUL by deliberate scheme under the FLSA and applicable local law.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Please see attached worksheets for **good faith estimates** of damages, to be adjusted after discovery.

For Jose Marquez, base wage damages \$9,911.24, FLSA and state-law liquidated damages \$9911.24 and discretionary state-law wage collection damages \$437.26, \$21,786.31 total

For Juan Marquez, base wage damages \$32,330.96, liquidated damages under FLSA and state law \$32,330.96, discretionary state-law wage collection damages \$64,661.38, \$96,992.88

For Lazaro Zelya, base wage damages \$26,511.79, liquidates damages under FLSA and state law \$26,511.79, discretionary state-law base wage damages \$53,023.58, \$79535.27 total

Costs and attorneys' fees according to Appendix B of Local Rules.

Relief requested JOINT and SEVERAL against all Defendants as employers under FLSA and state precedent.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff _____

Printed Name of Plaintiff _____

B. For Attorneys

Date of signing: 07/16/2021

Signature of Attorney -----s----- (per Local Rules)

Printed Name of Attorney Theodore Bruce Godfrey

Bar Number 24596

| | |
|--------------------|---------------------------------|
| Name of Law Firm | Jezic & Moyse |
| Street Address | 2730 University Blvd. West #604 |
| State and Zip Code | Wheaton (MD) 20902 |
| Telephone Number | 240-292-7200 |
| E-mail Address | godfrey@jezicfirm.com |